E 340
.A4 M5
Copy 1

LIBRARY OF CONGRESS.

Chap. E

Shelf, A

UNITED STATES OF AMERICA.

MEMORIAL OF HON. CHARLES ALLEN.

Charles Allen

A

MEMORIAL

OF THE

HON. CHARLES ALLEN,

From his Children.

CAMBRIDGE:
PRESS OF JOHN WILSON AND SON.
1870.

LIBRARY OF CONGRESS
1876.
CITY OF WASHINGTON

E 340
.A4M5

A MEMORIAL SERMON

PREACHED BEFORE THE

SECOND CONGREGATIONAL SOCIETY IN WORCESTER,

ON THE LIFE AND CHARACTER OF

HON. CHARLES ALLEN,

SEPTEMBER 12, 1869.

BY ALONZO HILL.

Oh! for that hidden strength, which can
Nerve unto death the inner man!
Oh! for thy spirit, tried and true,
And constant in the hour of trial;
Prepared to suffer or to do
In meekness and in self-denial.

MEMORIAL SERMON.

"And they that be wise shall shine as the brightness of the firmament: and they that turn many to righteousness, as the stars for ever and ever." — DANIEL xii. 3.

"LISTEN to the holy stars. Listen in the still night. They watch while the world sleeps. By their light and their beauty and their vastness, by that elevation of theirs, which is congenial to spirit and addresses itself to spirit, they will speak to the soul who watches with them, and draw it upwards to themselves when orb hangs above orb and the small and shaded earth may be for a time forgotten."

This is the language of a refined commentator on the words which I have chosen for my text. It gives glimpses of the lustre with which the wise shine, and

reveals the moral splendor of those who, by their intellectual superiority, their spiritual culture, their conscientious fidelity to duty, and powers of persuasion, inform the ignorant, arouse the sluggish, and turn many to righteousness. They are the stars in this lower firmament, and, by their light and beauty and vastness, speak to the soul that watches, and draw it upwards towards themselves, and kindle within it more than earthly aspirations. God bestows no greater gifts on the generations of men than those who are wise and put forth a spiritual power, and have influence on the thought, feelings, and arts of their time.

Only a few months ago, this broad aisle was occupied by a class of men, as wise and intelligent, as true and honored and trusted, as have ever been found in one New-England congregation. They were the stay of the parish. They were the ornament of the city. They added dignity to the Commonwealth. They brought wisdom to the councils, and support to the institutions, of the country. Here, in this their religious home, they were numbered with us in the vigor of their youth, and lent their influence in the maturity of their riper years, encouraging our hearts and strengthening our hands in

the work that we were called on to do. But, one by one, they have passed away, and left vacant the places which they so long held. One by one, they have gone on to the gardens of the graves, and left us to linger here a little longer. And now, since we met, another familiar form, — familiar, but not fresh in the gathering of this assembly, — the Hon. CHARLES ALLEN, amid this summer luxuriance has led on in the solemn procession to join the goodly company, — to join the faithful, the devoted, the loved, and revered in the place of their rest. And I have come this morning to interpret, with what clearness and strength I may, this event, and bring home its great lesson to the heart, — I, who have been his companion for so many years, have been familiar with his walk and conversation, and have received so many tokens of his confidence, — I, who have known him, not only as most of you have done, in the weakness of his gathering age and the overshadowing of his noble faculties, but in the strength of his manhood and the full devotion of his large endowments, the brilliant career of his activity and usefulness. I have come, not to eulogize him; for he, of all men, had no tolerance of the language of empty praise: not to speak of the dead; for

they only are dead who have passed away and left no memorials behind, — I have come to speak of life, not death; for he only lives whose influence still survives, and who has already reached that other life, so inconceivably grand that it hath not entered into the heart of man to conceive what God hath prepared for them, who, having kept the faith and obtained the promises, have already entered on its enjoyment.

Let me, then, for your sake and my own, attempt to recall the image of our friend as he appeared to us who have been his contemporaries, and note, as briefly as I may, what in him and in his life was worthy of being gathered up for grateful remembrance, and individual encouragement and help. I do this the more heartily because he was one of us, and his character and life belong to us of this community and this congregation. In his boyhood, he ran these streets when they were few and our now crowded city was only a sparse country village: our home was his home, and he was trained in the schools and churches which have opened their doors to us and shed upon us their sacred, benign influence.

Charles Allen, son of the late Hon. Joseph Allen,

one of the most upright and respected of our citizens, for many years the clerk of the court and an honored magistrate, was born in this city, Aug. 9, 1797, and would accordingly have been just seventy-two years old on the day of his burial. The beginning and the end appear on the same leaf in the calendar. His grandmother was a sister of the revolutionary patriot, Samuel Adams, — a genuine woman, full of patriotic fire and the traditions of the great times in which she had lived. With such blood in his veins and such fresh traditions in his memory, great men and great deeds made early familiar to him, he could not fail to develop a strongly marked character. His mother was a feeble woman, but of commanding ability; and at twelve he was sent from his home to Leicester Academy, and was there prepared for Yale College, and entered that institution at the early age of fourteen. Here, after he had spent only a single year, he took up his connections under circumstances which revealed the delicateness of his sensibility, but reflected no dishonor upon him, and entered upon the study of the law in the office of our townsman, Samuel M. Burnside, Esq., then one of the most laborious and thoroughly read lawyers in the county. At the age of

twenty-one, having been admitted to the Bar, he opened an office in the neighboring town of New Braintree; where, by a successful practice of six years, he made himself familiar with the forms of legal procedure, studied the principles of his profession, and won a large place in the confidence and affections of the people of the county. In 1824, he returned to this city, and made it ever afterwards his home. He entered into partnership with the late Governor Davis; and, in the life-long practice of his profession, in unrelaxing devotion to its pursuit, and a thorough comprehension of its principles, reached at length that eminence which his contemporaries accorded, and which history will assign him. For I think that, if, during many years, the question had been asked, Who was the ablest lawyer in this community, the acutest, and best furnished? the answer of our people would have been, the man whose name is on our lips, and whom we commemorate to-day. And, when this question was put, twenty-five years ago, to those on whom devolved the privilege and duty of appointment to the highest offices in the Commonwealth, they were unanimous in returning the same reply. They offered him a seat on the bench of the

Supreme Court; and, when he refused to accept that, bestowed upon him that of Chief-Justice of the Superior Court, — an office, in his estimation, with a single exception the highest in the State. That highest, it is said, he was also invited to fill; for it was the expressed wish of the late eminent Chief-Justice Shaw, so long at the head of our Judiciary, that he should be appointed his successor. But he was, at length, chosen for another work, — a most arduous and responsible service; and, that we may know how wise was the selection and how admirably he discharged his duties, we have only to open the published Reports of the Supreme Court, and learn how constantly, almost without exception, his decisions in the lower courts are there confirmed.

A lawyer, he stood before us as one of the most accomplished in New England. Largely endowed by the Creator, his intellect, broad in its grasp, clear in its perceptions, intense in its activity, and eminently sound in its logical conclusions, was just of a character to enlist his attachments and make him eminent in his life-long profession. He was successful beyond most men in its practice. Such was his insight, his skill, and his power of persuasion, that they who had once committed

to him their cause, felt that he had said and done in its behalf all that could be said and done; and if they had failed to obtain their suit, it was right that they should. For if we comprehended him aright, he was not the man to count his success by the number of verdicts which he obtained in favor of his clients, right or wrong, but by what he had been able to do for the suppression of evil and the vindication of truth and justice. Who among us ever maintained a deeper reverence for the majesty and sanctity of the law and the rights of humanity, — the law which guides the course of God himself, and before which man must prostrate himself in the dust, the conscience bow in awful respect, the brain lay aside its cunning, and the heart forget its tenderness? They who lived here a quarter of a century ago, saw Judge Allen in his palmier days, before sickness and age had come upon him, and can recall the manly form, the capacious brow, the thrill of his tones, and the sharpness of his rebukes, can alone comprehend something of his reverence for legal authority and the amount of public confidence that was reposed in him. How would his lips curl and the withering sarcasm rise on his tongue when he detected the prevarication, the

mean sophistry, and saw legal forms employed to accomplish an act of injustice! In his view the law was the supreme science, its profession a noble profession, and he pursued its study and practised its principles with the same revering devotion he would study and practise the rules of right-living, which lie at the foundations of civil society, settle its discordant claims, and hold it together. I repeat it: the friend whom we have recently followed to the grave took rank among the ablest and most conscientious in his profession in the Commonwealth.

There is another public relation in which we must contemplate him. Born only ten years after the adoption of our Constitution, he studied it, he detected early its acknowledged inconsistencies, and took a leading part in exposing them, and in the attempt to adjust the wrong which had been committed on the rights of humanity. A crisis had come in the history of our country in which the injustice of slavery — embodied in our institutions, recognized, vindicated, and spreading — was beginning to be felt, its subtle power beginning to awaken apprehension, and the great effort beginning to be made to shake it off, — at least to limit its further

spread, and save the land from the awful curse. No period in all our annals has been more momentous and full of peril; no period that demanded clearer insight, a more resolute purpose, and a nobler spirit of self-sacrifice, than the ten years that preceded the outbreak of the late civil war. A day of darkness had come down upon us, and thick darkness covered the people, and only fitful gleams of light shone through the pall. One of those tremendous epochs had come which only now and then have appeared in the world's long history, when the great principles of freedom and justice were to be vindicated, and the political destinies of the country to be settled for all time: the momentous question was to be determined, whether we should be governed by a slave aristocracy who had grown rich by the toil of those who could not possess, and proud and imperious by habits of unlicensed rule, or by a liberty-loving people who should frame their own laws, enjoy the opportunities of self-improvement without hinderance, and be permitted to share the common inheritance with all of every tribe and name and color whom they might choose to welcome. An awful crisis had come, a pause in the nation's movements, a silence as before the

bursting of the storm, — and another great step in the nation's history was to be taken. The nation's destiny was now to be determined, just as was that of the English nation two centuries before, when it heaved as with the earthquake, and the low-roofed hovel and the princely palace shook, and men started up from fens and fields and crowded cities in defence of the right, and one king was brought to the block and another driven in dismay from his kingdom. Then the lawless power and insane acts of sovereigns were set against the inborn privileges of the people, and the liberties of the nation sorely imperilled. As I read the story of those days of earnest deliberation and solemn council, of strife and bloodshed, so crowded with apprehensions, so darkened by disaster, so triumphant at last, there rises up before me the image of one man, pre-eminent amid the multitude of familiar forms and faces, his countenance expressing invincible firmness, and his speech inspiring unconquerable energy, and his hand raised amid the striving of his neighbors and friends, and his blood trickling down upon the lane that led to his own home, he doing the work of a thousand. The name of Hampden was household in those terrible

times, and is familiar to us to-day. So in our own latest revolution when a new era was opening, and men of clear mind and firm faith and unshrinking courage were needed, — men who could leave father and mother, and wife and children, and cleave to the right, — men who would speak and act out their deepest convictions, though old associations and life-long companionships and the hearts' friendships must be rent and cast aside, and they must be judged false and perverse, and henceforth tread a solitary way, I know of no one in the great community who won a higher name and held a nobler place in the regards of men for clear discernment, for well-sustained integrity, for fidelity to settled convictions of duty, for the manly utterance that leaves a lasting impression behind, and for the obstacles which he was instrumental in raising in the way of the base, selfish power that had arisen and was seeking to sweep over the land and control the destinies of this people, than the simple, unpretending man whom we have so often met in our streets, and whom we have so lately followed to his burial. In the days of his strength, he possessed a magnetic personal influence; and then there were those who trusted and revered

him. And if there were those also, in those times of strife and angry debate, who misunderstanding were aroused and spoke reproachfully of him; if under a sense of personal injustice and public wrong, his eye would sometimes flash, and his nerve would tremble, and words of bitterness would fall from his lips which left a sting behind, — it is not to be forgotten that the patriot leader whose blood was running in his veins was a man of deep sensibility, and ardent and keen in his expressions; and when the deeds of petty office-holders and tyrannical governors were brought freshly to his ears would utter the language of withering rebuke, that led Hutchinson to complain of his obstinacy and light esteem for the servants of the king, and awoke the scorn and indignation of the whole city. But we now forget the bitter sarcasm of Samuel Adams, and remember only the words uttered in his loftier and serener moods. We forget the tones that engendered passion and stirred up the people to mutiny, and remember only how he spoke in words of steadfast hope, how he ended his speech in 1769 in presence of a crowd of officers of the crown, "Independent we are, and independent we will be," and how he exclaimed six years later, when

the sounds of the battle of Lexington fell upon his ears, "A glorious morning!" A day had dawned which no night would follow. Judge Allen was deep and obstinate in his convictions and strong in his use of language, and sometimes offended, for he was of quick sensibility; but, if keen, not mean in his indignation nor unmanly in his resentments. And now he has gone, all men hasten to do him reverence. They tell us a great and honored man is gone, — one of the greatest and most honored in this community, to whom we owe much now, and whom we must always revere as one of the truest, purest, and most deserving of our public men.

Do not misapprehend me, and suppose I would intimate that he was not appreciated in his day. No man ever received more distinct marks of public confidence than he. I have mentioned his legal honors. It is sufficient to add, that, having filled the more influential offices of the town and contributed his full share to its growth and prosperity, having represented it in both branches of the Legislature, having been chosen for two terms a member of Congress from this district, he was selected to cast the vote of the State in the Presidential election in 1844, — a signal honor; and, on another

occasion, he was appointed, with two other of our ablest men, to fix the contested boundary between this country and the British Provinces, — a great trust, imposed only on the wisest and best. In the Roman mythology, gods were set over the metes of empires, and their statues placed on the boundary-line to mark and guard the border; and, in the judgment of the Roman Senate, they only were deemed competent to fix the boundaries of the State, who held the highest rank and were able to rule it. Judge Allen was duly sensible of the dignity and responsibility of the trust, and engaged in the duty only when he had given to its study his capacious mind, and, by long and intense application, had thoroughly comprehended it. He received from the Government, through the Secretary of State, express acknowledgments for his services on this occasion, for the skill and eminent success with which a difficult work was done. In this way, he became familiar with all the great subjects that were committed to him; so he became the profound jurist and the able legislator and reformer that he was; and so he won the distinction that was so freely and largely bestowed upon him. So history will take him up, and tell of his illustrious acts and award him the meed of her praise.

I have now spoken of our friend in relation to his public services. It yet remains to speak of him as a man in his daily walks and more private character. And how shall I do this clearly, truthfully, and without the exaggerations of partial friendship? I remember I am telling you of one whom many of this congregation knew only when the weakness of age and the awful power of disease were upon him, and his splendid endowments had begun to be obscured. Besides, he was a man more than ordinarily reserved. His deeper feelings were closely shut up within his own bosom, and seldom found utterance, except to his most intimate friends, — rarely betrayed even by the tone of his voice, the expression of his countenance, or the trembling of a nerve. They who encountered him only in the streets, stood with him in the public hall, or even sat with him at his own fireside, did not know him: they only could comprehend the vastness of his thought, the serenity, depth, and tenderness of his feeling, to whom he was pleased to unbosom himself. And, when I attempt to tell you what he was, what richness and beauty and sweet compassion were within him, I only repeat the testimony of those who have been the companions of his more sacred

hours, and have enjoyed his more confidential intercourse. Oftentimes, in that intercourse, a single look, a word, a solitary act, will reveal more of the character than whole years of casual acquaintance by the way, or in the ordinary business of life.

I have said that Judge Allen possessed an intellect of singular breadth and acuteness. He was a man of rare power, and with rare capacity for intellectual achievement. But I must add, he was not a person of large general culture. Though he could write in admirable style, and speak with energy and terseness that would stir to enthusiasm the hearts of those who, when he spoke in public halls on national topics, thronged to hear him, he was not an extensive and indiscriminate reader. He was not, like Macaulay, familiar with all that had ever been written; so that you could no sooner quote an author, however obscure, than he would follow with another quotation still more rare, as if the whole range of literature had been trodden by him, and "knowledge lay around him like the plunder of a sacked city." He was not, like Choate or Sumner, accustomed to refresh his thoughts and refine his taste by the daily study of the ancient classics, in the midst of his herculean labors

at the bar or the more tranquil employments of the bench. Though he had carefully studied the collections of English poets in his youth, he was not an explorer of the hidden lore of books. His language did not abound in quotations or classical allusions; for he was not indebted to the words or thoughts of others, near or distant. His richest thought was gathered up in the coinage of his own brain, and his most luminous expositions of truth and duty were the unborrowed expressions of his own heart. He seized a few great verities, and then followed them out to their legitimate conclusions. This you might infer from the habits of his daily life. Had you visited him at any time in moments of leisure, or when the pressure of professional duty was heaviest upon him, you would not often have found him poring over the exhaustless contents of the written volume, but pacing his chamber in the absorption of profound meditation, until the dusky problem would become luminous and the fresh thought would frame itself into words that burn. Those who have seen him in our city for a quarter of a century, and to-day recall his image, will think of the silent, contemplative man who used to walk our streets alone or with a single companion, buried in

thought or engaged in profound discussions of subjects remote enough from those debated on the sidewalk or in the shop. He loved the beauties of the outward world, and they were not without their influence on his modes of expression. He loved to state also, for solution, intricate legal questions, by which he would prove his own skill and try the skill of his companion. What was said of Judge Story might be said of him, — "He had a genius for labor;" and, while the strength of mind and body was given him, he labored on to the end.

In addition to his intellectual power, Judge Allen possessed great energy of character, — not the energy which appears in nervous irritability, impetuous speech, and passionate gesticulation. His voice was thin, his ordinary utterance languid, and he moved among us with tranquil, measured step. But, beneath that outward simplicity, there was an energy of will and purpose that was peculiar and decisive. What he resolved to do, he would do. What he undertook, he seldom failed to accomplish. Opposition only kindled his zeal, and aroused his deeper feelings; and, as he was deserted by others on whom he relied, did he learn himself, and did

others learn, what reserved force was in him. And, what is not common, the deeper his emotion, the more intense his feeling, the more calm outwardly he became. The things said and done in the very heat of his passion, were said and done with a cool deliberation of manner that took away the suggestion of undue excitement. This is shown in the course of his whole life-achievement. He did much; but what he did was not done through a combination of favoring circumstances. He rose to eminence, not because he knew how to spread his sails when the winds blew and the tides were propitious, but rather because there was in him the inward power which, like the subtle steam in the trusted boat, would bear him onward against wind and tide and the currents of the ocean. Though he was glad to receive help from others, it was not through their inspiration his own enthusiasm was enkindled. The impulses that moved him were formed in the depth of his own bosom, and he became himself the inspirer. To him and one other, his political associate, we are more indebted than to any man else for the first effectual blow that served to stay the current of public wrong, and for the noble resistance that has been made to the lawless

oppressions which threatened to invade the sanctuaries of our New-England homes, and for the wider diffusion of that generous freedom which adorns and gladdens these homes to-day. When, in that great public assembly in Philadelphia, he rose in his place, exclaimed in tones not to be forgotten, "Massachusetts spurns the bribe," and then left the hall to return to it no more, he revealed the intensely earnest nature that was in him; and, in the wide-spread consequences of that one act, he showed the power of his simplest utterances over the thoughts and actions of men.

Another trait in the character of Judge Allen was his extreme conscientiousness. His respect for truth and right was a principle, planted in his instincts, moulded in his early youth, confirmed by the habits of his life, — growing with his growth, and strengthening with his strength. He never asked himself whether he should do a right thing, whether he should yield to his inclinations or to his conscience. Let him be convinced that the thing was right, let it enter his deeper convictions, and he was sure to do it in spite of opposition, in the face of peril. I know this reverence for conscience may not have been conceded to him by all. In

consequence of his great sensibility, and promptly expressed dissent from others when he differed, he may have seemed to be influenced by passion and prejudice, and his noblest deeds been misconstrued. When, for instance, he rebuked Mr. Webster in open court for a violation of the rules of the Bar, and suspended the proceedings while he persevered in the act, it may have seemed but the prompting of ill-nature and the wanton exercise of a brief authority. I believe the rebuke, which called forth ample apology, proceeded from a profound sense of duty. He was seated on the tribunal of justice. The dignity and sanctity of the law were invested in his person. Private wrongs were there to be corrected, and the rights of humanity waited there for redress. The great and the small, the strong and the weak, were to be alike protected there; and he was not the man to falter when the dignity and authority of that court were in danger of being impaired by the careless presumption of even the eminent advocate. Its purity and sanctity were never more sacredly guarded than when he occupied the bench, and the rules of law more conscientiously observed than when he practised the profession. He sought more the delicate discharge

of duty than the approbation of clients, "fat contention, and flowing fees." The wrong-doer came to him in vain for help, except to turn from the evil and do good. He was asked to write a will for a client; and when he saw that in the disposition of his property he was under the influence of prejudice and doing an act of injustice to his offspring, he expostulated with the dying man, and with some degree of asperity endeavored to dissuade him from his hard-hearted act. And when he could not do this, he indignantly threw aside the papers and refused to write a line, exclaiming, "Then you must get some one else to write your will for you." So delicate was his conscience, so acute his sensibility, that he held himself responsible for deeds which he was only the official agent in accomplishing. So also his conscientiousness in the mere trivial acts of his daily life. And such was not only his uprightness, but his reputation for uprightness, that I do not believe any one ever dared offer him a bribe, or tried to turn him by fear or favor from the course of his honest convictions. "Massachusetts knows how to spurn the bribe," and he was a son of Massachusetts. The prophet may claim in token of his power to carry back the shadow upon the dial-

plate; the consecrated priest for the sake of the cause may misrepresent; but I do not believe that our friend would ever waver a hair's-breadth from his convictions of right and duty and moral obligation. Fidelity to conscience, whatever it might cost him, it is not too much to say, was the central power and motive and action of his life; and he felt profoundly in the inner core of his being what the leading thinker and writer of our times has so finely expressed. "The aspect of the years that approach us," says Ruskin, "is as solemn as it is full of mystery; and the weight of evil against which we have to contend is increasing like the letting out of water. It is no time for the idleness of metaphysics or the calculations of expediency. The blasphemies of the earth are sounding louder, and its miseries heaped heaven-high every day; and if, in the midst of the exertion which every good man is called upon to put forth for their repression or relief, it is lawful to ask for a thought, for a moment, for a lifting up of the finger, it is at least incumbent upon us to approach the questions in which we would engage him in the spirit which has shown him how these things which seemed mechanical, indifferent, or contemptible, depend

for their perfection upon the acknowledgment of the sound principles of faith, truth, and obedience, for which it has become the occupation of his life to contend."

"The principles of faith, truth, and obedience," profound religious principles, — these were wrought into the mind and folded in the heart of our fellow-worshipper, and were his strength, his inspiration, the source of his power. Who among us maintained a more sincere, reverent faith, or believing found in his belief more impulse, guidance, and support? Reared under the pulpit instructions of my venerable predecessor, that clear reasoner and able expounder of religious truth, he was never satisfied with vague religious sentiment. He believed with the whole strength of his conviction in the divine origin, the sanctity and supreme authority, of Christianity. A revering worshipper of God, a sincere disciple of Jesus, he had no sympathy for the philosophy which in our day is offered as a substitute for the old faith of Christendom, and seeks in a refined theism to satisfy the deep cravings of the human soul. He believed in the supernatural gifts, the moral supremacy, and the life-giving Spirit of the Son of God. His word contains God's great message of pardon and love and

immortal peace, and its chief work is to create that inward purity and spread those kindly affections which bind man to man and all men to God. He reposed in it with unbounded confidence. He contemplated with awe and gratitude the power which it has put forth in all lands and all ages. He sought its guidance. He threw himself upon its bosom. He breathed in its spirit, and found solace and support in its consolations.

I said he breathed in its spirit. I now add that few laymen among us comprehended as he did its doctrines. Entering upon the serious responsibilities of life just at a period when the great religious controversies which shook the country half a century ago were beginning to agitate the community, he was led to study the subject with the deliberation and thoroughness with which he would study a case to be argued before the highest courts of the land. He made himself familiar with the controversial writings of Channing and Norton and Ware, and of Stuart and Woods; and no theologian among us better understood, and could more ably state, the points at issue. He studied, not that he might defend a sect, but that he might know the truth. He studied that he might comprehend the mysteries of the

kingdom of God, that his faith might rest on a stable foundation, and his character be formed after the divine model. And how satisfying, cheering, and ennobling the result! No more unbelief, no more wavering doubts for him! He reposed at length on those large and generous convictions, which, alike remote from all narrowness and superstitious fears and overweening assumption, have been the stay and solace of some of the noblest men, his predecessors and companions in the walks of public service and self-sacrificing devotion. A descendant of the Puritans, he loved their simplicity and the purity of their worship, and was impatient of the mass of labored ceremonies which have been crowded into the Christian Church, and so hindered the influence of its life-giving spirit. A sincere disciple of the great Master, he found personal help in the observance of the rites which He had appointed. His associations with these were peculiarly tender. He believed in the religious consecrations of the household. He would sit lowly at the feast of remembrance, and was wont to speak gratefully and gladly of the privilege. It brought the Saviour near. It marked him as the leader of the sacramental

host, and he loved to be in the throng of his attendants.

I have now spoken, not as I would, but as I have been able, of our honored associate and friend, and have tried to hold him up before you as he was, in the largeness of his intellectual gifts, the richness of his character, and the variety and extent of his public services. It is many months since any one has passed away from among us, who was seated so deeply in the reverence of the public heart, and whose removal called forth, from all quarters of the land, and public prints of every political and religious party, such expressions of reverence and admiration. They who are wont to be silent have spoken now. In recording his death, they speak of him as "the most intellectual man, the most eminent for political integrity and courage, that has appeared among us." They speak of him as "one of the firmest patriots and most exemplary lawyers that ever adorned our country." They tell of "his stainless public career, and of his early, constant, powerful influence in behalf of justice and freedom for all." "He was a leader worth acknowledging, and his advocacy ennobled any cause." In such terms of heart-stirring eulogy, men

far and near have written and spoken of him, — written and spoken as they have done of few men who have ever lived and died among us. It is fitting, therefore, that we who have been his contemporaries, — who have been familiar with the largeness of his endowments, the purity of his character, and the brilliancy of his achievements, — should bear also our testimony. We know whereof we speak, and, therefore, for our own sake and yours, have spoken. Held in the grasp and lying under the shadow of a mysterious disease for many weary months, we thank the good providence of God, he is now released. The brilliant faculties, so long wayward and wandering, are restored. The nice sensibilities that slept, have now awoke; and the sweet affections, clouded for a while, are now rekindled, and burn anew with fresh brightness in the Father's kingdom. We have not asked that he should linger longer. We resign him without a murmur. We have welcomed the messenger that called him home. Gone, my brother, from the infirmities, the illusions, the protracted suffering, here below, we follow thee with the tender and grateful acknowledgments of this community and this Commonwealth, whose welfare thou didst so much to promote; with the benedictions

of those who knew and honored and loved thee; gone, the day of life now over, the work of life now done, bearing sheaves from the rich harvest-field; gone into thy rest, — the sweet repose of the true, earnest, and faithful soul, — to join the company of the pure and good, the gentle, the loving, the lost, the found.

A few weeks ago, — in midsummer it was, — I saw our friend for the last time. It was in one of those lucid intervals, when Heaven's dread visitation seemed for a brief while suspended and the current of thought flowed freely. He knew me, and spoke to me as in the old times. We talked together of the past, and of the pains and enjoyments which its changing years had brought; of the future and the scenes of unimagined good which it would bring; of the feebleness of our human conceptions and of the wonders that would be revealed. And, as we conversed, his tones softened into gentleness and his countenance lighted up with more than earthly radiance. His eye melted, his voice deepened, and his face was transfigured. As I looked and listened, I thought I saw more clearly, I comprehended better, what Jesus meant, when, withdrawing the veil of mystery, he spoke of the destinies of the faithful

departed soul and of the life eternal. Life eternal! How shall I express my thought of it? It is not mere existence, however prolonged and free from annoyance. It is not the pleasure of the senses, however vivid. It is not peace. It is not happiness. It is not joy. But it is all these combined into one condition of spiritual perfection, — one emotion of indescribable rapture, — the peace after the storm has gone by, — the soft repose after the grief is over, — the joy of victory when the conflict is ended. It is that blessedness, that fulness of satisfaction, which Jesus felt when "He rejoiced in spirit," and, with tender, uplifting accents, bade his disciples be glad because their names were written in heaven. It is contained in that more than earthly expression which the old painters have given to the pictures of their saints and martyrs, — the expression which I have sometimes seen on the countenance of the dying, — so sweet, so affectionate, so loving, as if they were already gazing up into heaven and conversing with angels; that strange, heart-thrilling, never-to-be-forgotten expression, which I saw that day on the face of our friend now gone.

And I pray the children, family, and friends who have

watched so many long months the alternations of disease, its humiliations, and its triumphs, and have been so unwearied in the ministrations of sympathy, — I pray them to think of this, now the pall of death hath fallen and the sufferings are ended. He, whom they so revered and loved, is not dead, but liveth now a higher life. He hath left the earthly, and entered upon the heavenly. It is the wise that shall shine as the firmament; and they that live in their good deeds and turn many to righteousness, "as the stars for ever and ever."

PROCEEDINGS OF WORCESTER BAR

ON THE

DEATH OF CHIEF-JUSTICE ALLEN.

COMMEMORATION OF THE LATE CHIEF-JUSTICE ALLEN.

(*From the Worcester Palladium, September* 22, 1869.)

THERE was a very full attendance of the Bar of Worcester County, in the Superior Court, in this city on Friday afternoon, to take some action in recognition of the death of Charles Allen, late Chief Justice of that court. Chief Justice Brigham was on the bench.

Hon. GEORGE F. HOAR presented and read the following resolutions, which had been adopted by the Bar: —

Resolved, That we desire to declare and record our reverence for the memory of our late distinguished associate, the Hon. Charles Allen, so long the honored leader of this Bar, more lately the head of the Superior Court, and during his whole public life one of the purest and most eminent of the public men of the country.

Resolved, That native powers of intellect of the very highest order; the training of vigorous and faithful early study;

profound mastery of the principles of the common law, and of the kindred principles of civil government and civil liberty; the constant habit of thorough, clear, accurate, independent thinking; extensive knowledge of the history of his own country and State; familiarity with the purest models of English literature; a pervading grace and dignity of conduct and manners; stainless purity of life; an unostentatious but earnest religious faith; love of justice; love of truth; a nature which instinctively espoused the cause of innocence or weakness injured or oppressed; a lofty scorn of every thing mean or base; a courage which never quailed or flinched before the face of any antagonist, — united to make up in Charles Allen a counsellor to whose judgment the most important interests could be safely confided, an advocate able to command the deference, to win the ear, and to convince the understanding of courts and juries, and a magistrate capable of maintaining, amid the conflicts of the Bar, the supremacy of the bench, and the supremacy of justice and law over the conflicting interests and passions of the people.

Resolved, That the life of Charles Allen affords a conspicuous example of the truth that the love of civil liberty is a result of a thorough comprehension of the principles of the common law, and that there can be no better training for the defence of the one than the study and mastery of the other.

Resolved, That these resolutions be presented to the court now in session, and that the clerk be requested to transmit a copy of them to the family of Judge Allen.

Mr. Hoar then addressed the court as follows: —

HON. GEORGE F. HOAR'S ADDRESS.

Mr. Chief Justice, — Since the death, on the sixth of August, of your distinguished predecessor, the press of the country, far and wide; the pulpit, especially of the church where, from his youth up, he had worshipped; the civil authorities of his native city, and hosts of private friends, have borne witness to his virtues. But we should leave the proprieties of the occasion incomplete, and do injustice to our own feelings, if this Bar of which he was so long the chief ornament, and this court of which he was the honored head, and to whose successful inauguration he lent the weight of his great fame, should not add their tributes of affection and respect.

Judge Allen was born in this town, in a house in this street, just seventy-two years before the day of his burial. He was of the best Puritan stock. His great-grandfather was Samuel Adams, of Boston, the father of the illustrious patriot. His father, Joseph Allen, himself an honored member of this Bar, was as a son to his honored uncle (whose only son died long before his parent) and enjoyed probably more than any other man his confidence and affection. In a biography of Samuel Adams, I find this notice of the death of Judge Allen's great-grandfather, from the "Boston Weekly Gazette" of March, 1748, which describes traits for which so many generations of the family have been conspicuous, and would almost answer for an obituary of our friend: —

"Last week died Samuel Adams, Esq., a gentleman who sustained many public offices among us, and for some time past represented this town in the General Assembly. He was one who well understood the civil and religious interests of this people: a true New-England man; an honest patriot. Help, Lord! for such wise and good men cease, and such faithful members fail from among the sons of New England."

As I have looked upon that masterpiece of Copley, the picture of Samuel Adams in Faneuil Hall, I have been struck with its likeness to the features of living members of the family of Judge Allen; and as I have read the life of the Father of American Independence, I have been struck with the likeness of the intellectual and moral traits of Judge Allen to those of his illustrious kinsman, of whom Hutchinson wrote to his masters in England, that "he could not be bribed, could not be flattered, and could not be scared." The simple, frugal life: the independence; the love of liberty; the power of leading and influencing other minds: the compact, chaste style, so clear and concise, in which the thought fills out the sentence; the habit of thinking for other men, guiding them, accomplishing the result, while conspicuous station was left to others; the indomitable courage, the indomitable will, the unerring wisdom, — were the conspicuous traits in both.

Judge Allen was admitted to this Bar at the age of twenty one. His preparation was a most diligent and faithful study of the principles of the common law in a few standard authorities, especially Blackstone, in whose style, clear definitions, and orderly arrangement, he much delighted, and which he

could repeat almost *verbatim*. He was not given to the study of cases, except so far as they were the key to principles. I have it from an unquestionable authority, that the examiners who were deputed by the court to ascertain his qualifications for admission, prolonged the examination for their own gratification at the extent of his learning, and his prompt and clear solution of the legal problems by which they tested him.

He also, as a literary exercise, carefully read and studied the English classic poetry, reading through the whole fifty volumes of the old edition of the British poets. He had a fondness for the history of New England, and knew all about the growth of its religious opinions and of the simple congregational form of church government, which is both the cause and the result of so much that is best in the character of our people. With these exceptions, Judge Allen was not, so far as I can learn, what would be called a scholar. His preparation for the duties of his profession and of life was chiefly by profound original thought. Those of us who have been associated with him in important causes, tell amusing stories of his being called upon for his authorities for the preparation of the brief, and handing to the junior a list of cases which coincided with those which came first under the head in Minot's Digest, relating to the subject-matter. Yet he did not come into the presence of court or jury unprepared to present his client's case in the manner best calculated to convince the understandings he had to address. His work was done, his argument was prepared and founded on the impregnable rock

of principle, as he paced to and fro in his office, or took his solitary walk abroad.

The quickness of his intellectual operations was marvellous. He selected his position at once, under the most sudden and perplexing emergencies, and no man ever dislodged Charles Allen from a position he had once taken up.

No man who had to deal with him remained long in the attitude of the attacking party. He always put his adversary on the defensive. The result was that the place and manner of the battle were chosen by him. His sagacity in judging of the effect of evidence surpassed that of any man I ever knew. His power of influencing the minds of juries was most remarkable. He understood thoroughly the habits of thought of our farmers, who in his day made up the largest, as they still do the most valuable, portion of our juries.

I think, for what, for want of a better phrase, I will term force of intellect, he was above any man whom I have known in this Commonwealth. Some of his constant antagonists were men who have given to this Bar a wide national reputation, and filled high judicial and political stations; and yet his superiority in the contests of the court-room over those men always seemed to be as marked as it was over the boy who had just taken the oaths. He never seemed to be doing his utmost. In his greatest efforts there were signs of a reserved power capable of still greater. He was one of those men who could not be easy if on the wrong side. He took no delight in displaying his ingenuity in the defence of desperate cases. If he saw the truth was on his side, he fought that

battle at whatever odds, and never rested till he had impressed his own conviction on the mind of the tribunal. But he could not deal in sophistries, or argue what he did not believe. With these intellectual and moral traits, he, of course, took his place in the front rank of the lawyers of the Commonwealth. Probably there is no person within the sound of my voice who can remember a time, until the close of his life, when he was not the acknowledged head of the profession, and the ablest and most influential citizen of this county.

As a natural result, the State many times sought for his services in the highest judicial positions. Twice he was offered a seat as Associate Justice of the Supreme Court, once by Gov. Briggs and once by Gov. Banks, and we have it, also, on the authority of the farewell address of the latter, that he was offered the position of Chief Justice of the Supreme Court on the occasion of the retirement of Chief-Justice Shaw.

But he preferred the duties of *nisi prius*. His eyesight, I think, though strong enough for the ordinary uses of a busy life, would hardly have permitted the extensive reading, by night as well as by day, which the preparation of opinions would have required; and his physical organization, always delicate, though protected by his temperate and regular habits, and his unusual knowledge of the laws of health, would not have borne the fatigue of long sessions in banc. He had a sense also of the dignity and importance of the principal *nisi prius* court, which has always maintained so high a place in

the respect and confidence of the public. It is hardly too much to say, that as the time in a race depends upon the speed of the second horse, and not of the first, so the strength of our highest court, and the dignity of the legal profession, and the judiciary itself, will depend very largely upon the character of this court, to which we must look for the training of those judges who are to fill the higher places, and with which the people come most directly in contact. I think Judge Allen looked back on no part of his life with more pleasure than upon his term of service on the old Common-Pleas bench, when he was associated with that model judge, Chief-Justice Williams, with the still living Judge Warren, — one of the most brilliant and acute intellects of the State, — and with Judge Strong, together making up a bench not surpassed in ability or reputation by the Supreme Court of any other State in the Union. These reasons led Judge Allen to give to this court in its organization the dignity of his great reputation and the weight of his great abilities.

How he performed these important duties I will not undertake, in the presence of your Honor and of this assemblage who know better than I can state it, to tell. One act of his has taken its place in the history of the Commonwealth. To Samuel Adams it was owing that Massachusetts, in the midst of just and aroused indignation at the massacre of unoffending citizens by the British soldiery in 1770, gave the soldiers a fair trial. His influence prevailed on John Adams and Josiah Quincy to encounter the unpopularity of lending their professional services to the defence of the accused, thus plac-

ing one of the brightest laurels in the crown of Massachusetts. There is but one parallel case in American history. When the people of Massachusetts heard that a human being had been kidnapped and carried into slavery, as he was landing on the shores of the old colony, and the State was stirred with indignation from one end to the other at the insult and profanation, we heard with exulting delight that the great abolitionist was to hold the court for the trial of the kidnapper. But Judge Allen's upright and impartial administration of the law taught us that even a slave catcher could not fail in his reliance on the justice of Massachusetts, and true obedience to law was a higher duty even than moral indignation against an outrage like that.

[Mr. Hoar gave a sketch of Judge Allen's services in the negotiation of the Washington-boundary question, which contributed so largely to save the country from war and secure the just rights of the Commonwealth, and won from Mr. Webster the compliment, "Judge Allen is a great arranger of men."]

But, Mr. Chief Justice, in discussing Judge Allen as a lawyer and a jurist, I have omitted to dwell on what was the most conspicuous and characteristic trait in his character, and constitutes his chief title to a place in history. I mean his ardent, unquenchable love of liberty. This is not the place nor the occasion to set forth his services to human freedom. As the leader and counsellor of this people in all that per-

tained to the security of their dearest rights when in peril, he has had, in my judgment, in this generation, neither equal nor second. We may fill imperfectly his place at the Bar. Able and learned men, high in the public confidence, have succeeded, and will hereafter succeed, to the duties of his great office upon the bench.

But when, in the troubled time that is before us, the highest qualities of courage and conduct shall be in demand, and the wisest and bravest are filled with anxiety for the institutions on which the fate of civil liberty depends, we shall miss the wise counsel, the indomitable courage, the inflexible will, which have been so often our encouragement and guide.

Hon. P. Emory Aldrich addressed the Court as follows: —

HON. P. EMORY ALDRICH'S ADDRESS.

May it please your Honor, — Judge Allen, the late distinguished Chief Justice of this court was one of that class of great lawyers who early acquire a high professional reputation, and are able to maintain it through a long succession of years, and in the midst of the most vigorous and active rivalries and competitions of the Bar.

His early studies were thorough and profound, as some of his contemporaries who survive him bear witness, and who inform us that, in his early professional career, he exhibited that same rare sagacity, soundness of judgment, and mastery of principles which characterized him to the latest day and act of his judicial life.

Admitted to the Bar before he had yet reached the age of twenty-one years, he opened an office in one of the small but thriving towns in the western part of this county, where he remained five or six years. And when some twenty-five or thirty years later I commenced practice in the same community, the reputation he had won there, in those early years, was still spoken of with admiration and pride by those who had been the clients and friends of the young lawyer, and who had followed him through all his subsequent and more conspicuous public career.

My own acquaintance with Judge Allen commenced twenty-one years ago, when he had already reached the height of his professional and judicial fame, and was recognized as one of the leading minds of his time and country.

My first introduction to him was in Independence Square, Philadelphia, in the spring or summer of 1848, at the time when the Whig National Convention of that year was in session in that city. He was a delegate to the convention from this congressional district. The convention was composed of the great leaders and strong men of the party, from all sections of the Union. I occupied a seat at the reporters' table, and had therefore a good opportunity to hear and see all that transpired. It was a period of great political excitement: the debates in the convention were stormy; its proceedings were conducted in the midst of almost continual disorder and intense excitement, which reached its highest point when the voting for a presidential candidate began, on the second day of the convention. The voting was *viva voce*, — each delegate announcing

the name of his candidate, as his own name was called by the secretary of the convention. The leading candidates were Henry Clay and General Taylor, whose gallant and heroic conduct, during the then recent Mexican war, had rendered him a great popular favorite. Massachusetts voted steadily for her own great statesman Daniel Webster, until near the close of the voting, when one voice from among the Massachusetts delegates was given to General Taylor. It became pretty evident, before the end of the first day's voting, that neither of the eminent statesmen named would receive the nomination, but that the successful soldier would.

This was the state of affairs when I met Judge Allen, as I have already said. He spoke of the proceedings of the convention the day before; said he should regard the nomination of General Taylor as the triumph of the slave power, which was already casting its ominous shadows across the continent, and intimated to us the course he intended to pursue if that nomination was made.

We returned to the convention, and after a few more trials, Gen. Taylor's nomination was secured. Scarcely had the wild and tumultuous applause with which the announcement of the nomination was received died away, when the slender form of Judge Allen was seen, for the first time, rising in that part of the hall assigned to the Massachusetts delegation; and when silence was restored, he read from a paper, in a firm but unimpassioned tone of voice, a few well-chosen words, denouncing the nomination as an abandonment of principle, and declaring the dissolution of the Whig party. Having

done this, and having consumed less than five minutes in the doing of it, he turned his back on that convention and the powerful organization it represented, and of which he had been an honored and leading member, and went forth to the country to make his words good by a direct appeal to the people. I heard his first speech delivered to the people in the old City Hall in this city, after his return from the convention. And as a bold, vigorous, trenchant, and effective speech, I have never heard it surpassed. I did not at that time follow Judge Allen's lead: and I have therefore felt the more at liberty to allude to these passages in his life, as conspicuous illustrations of that trait in his mind and character — *moral courage* — which he possessed in a supereminent degree. Whatever he thought it his duty to do he did, regardless of opposition or obloquy. The fear of man or men was one of the things of which he seemed to be wholly unconscious.

I afterwards knew him as a member of the Constitutional Convention of 1853, assembled to revise the Constitution of this Commonwealth. He was not one of the most conspicuous debaters or actors in that assembly; yet it was well understood that, by his counsel and advice, he exerted a great and controlling influence over the proceedings of the convention: and it could be readily seen by those of us among the younger and more inexperienced members, who occupied posts of observation rather than of active participation in the doings of the convention, that Judge Allen easily maintained the rank of an equal, if not that of leader, among the most eminent members, — such as Choate, Chief-Justice Parker, Ex-Governors Morton

and Boutwell, the learned Professor Greenleaf, Sidney Bartlett, Senator Sumner, and many others of like character and position. And this he did without apparent effort, and without any resort to that noisy and obtrusive style of conduct which inferior men find it necessary to adopt to make their presence known and felt in the assemblies of their superiors. Yet, while there was no offensive assumption on his part of superiority, there was, in the bearing of Judge Allen, that quiet dignity and repose of manner which only come from the conscious possession of superior talents.

I knew him afterwards, and more intimately during the few years when he resumed practice at this Bar, after his return from Congress, and before his appointment as Chief Justice of the Superior Court of Suffolk County. I was associated with him in the trial of several causes, and learned from him some of the most useful lessons of my professional life, in the conduct and argument of jury causes. His manner of examining and cross-examining witnesses exhibited the perfection of skill and knowledge in that branch of our profession. His cross-examinations were ordinarily brief; and often adverse witnesses were dismissed without a single question from him. But it was a fearful thing for a false and fraudulent witness, who had sworn to important matters against the interest of his client, to fall into his hands. With a clear perception of truth and its correlations, and an unerring skill in the detection of falsehood, he rarely left such a witness until he had driven him from all his subterfuges of lies and sent him from the stand utterly discredited in the minds of the jury.

His discussions of questions of law which arose in the progress of a trial, were clear, forcible, and direct. He relied more upon general principles than upon decided cases in all such discussions. His knowledge of the law and rules of evidence, of its relevancy and value, seemed to me to surpass that of almost any other eminent member of our profession whom I have ever seen engaged in the actual trial of causes in court. I have known those who would discuss more learnedly the law of evidence, and cite a multitude of cases, but scarcely one who could in the actual conflicts of the court-room, make so wise an application of his knowledge to the case in hand. He was not like the profound mathematician who could solve all mathematical theorems and problems in the lecture-room, but could never make any application of his theoretical knowledge to the actual affairs of life. Judge Allen's knowledge was profound, and it was also practical.

We saw and knew much of him here as a judge. And there are very few members of this Bar now actively engaged in practice, who remember much of him in any other capacity. He is known to most of us now present, mainly as Chief-Justice Allen. As a lawyer he belonged to an earlier generation. Many of his chief competitors of an earlier period, when we first knew him, had passed away. Some had died, others had been elevated to the Bench, and some had gone into other pursuits; but he remained the long-acknowledged and unrivalled leader of the Bar, until he himself, having declined the Chief-Justiceship of the Supreme Judicial Court, was appointed Chief Justice of the newly established Superior Court, which

office he continued to hold until he resigned it a year or two before his death.

In regard to the offer to him of the Chief-Justiceship of the Supreme Judicial Court, I could, if it was necessary, add to the evidence already adduced, his own declaration to me that such an offer was made to him and declined. This statement was made by him incidentally in a conversation in which I expressed some surprise that he did not accept an appointment to the Supreme Bench which I understood had been tendered to him.

It is perhaps one of the most striking evidences of Judge Allen's real and confessed superiority, that honors and offices sought him all through life, and that he never ran after or sought them.

But I will attempt no farther delineation of his public life and character, — that has already been done with great discrimination and justice by the gentleman who preceded me. But I cannot forbear to state in this connection that the last cause tried by Judge Allen, and only a few weeks before his resignation, was one of great importance, and involved a novel application of the law relating to the liability of common carriers of passengers. The trial lasted several days, and the judge showed signs of weariness, and a great disinclination to protracted labor and thought. A good deal of solicitude was felt as to whether he would be able to complete the trial. The evidence and arguments of counsel were finally closed, and the Chief Justice rose to charge the jury. In attempting to restate the evidence, he seemed to have lost the familiar grasp

and mastery of facts which were new to him, and he did not get through that part of his charge without some confusion of thought and statement. But when he came to a discussion of the principles of law which were to govern the jury in their determination of the cause, his mind seemed at once to resume its accustomed force and clearness; his unsurpassed power and perspicuity of statement returned to him; and although I tried the case afterwards, before two different judges of this court, and twice argued it before the Supreme Court, yet the full minutes I have of his charge furnish evidence that no judge who has since dealt with the questions involved has been able to make a more forcible or more accurate statement and exposition of the law governing the case.

During the last fourteen years of his life, it was my good fortune to be one of his nearest neighbors, and I saw and knew much of him in the relations of private life: and I remember him as a most agreeable and considerate neighbor. He was a ready, wise, and sympathizing counsellor to all who sought his advice in a proper manner. He enjoyed the social intercourse and companionships of life. He was entertaining and instructive in conversation. He was fond of out-door exercise, and often sought the companionship of a friend in his walks. He loved external nature and held

"Communion with her visible forms" . . .

with a keen and ever-abiding relish. He was of a reverent spirit, never trifling with the great truths of life, death, and immortality; but he was liberal and tolerant towards all who differed with him in opinion upon these great and transcendent themes.

And while I agree with those who say Judge Allen was less demonstrative in his expressions of friendship and regard than many men are, yet I totally differ from those who are accustomed to speak of him as one possessed of a cold and unsympathizing nature.

If I might be pardoned an allusion to my own personal experience in corroboration of my opinion, I would say that when I first came to this city with my family, — strangers to most of its inhabitants, — Judge Allen was the first, and that right early, to make us forget we were among strangers, and opened his friendly and hospitable doors to a pleasant and invaluable social intercourse which knew no abatement to the day of his death. He understood and duly appreciated his own position in society, and what its rights and duties were; but he held in deserved contempt all merely factitious distinctions, all shams and pretence, and directed against them some of the keenest shafts of his sarcasm.

But I must bring these desultory and imperfect reminiscences to a close. I have spoken not merely to express my admiration of Chief-Justice Allen as a great lawyer, as an upright magistrate and public benefactor, but out of a grateful memory to recall and commemorate the gentler virtues and graces which adorned his life, — qualities which throw a mild lustre over those sterner and perhaps more enduring attributes of his character which most attracted the attention of men, while he was still living, and which enable us now with truth and justice to apply to him the words of the Roman poet, —

"Justum et tenacem propositi virum."

Hon. PETER C. BACON and Hon. HENRY CHAPIN, who had long known Judge Allen at the Bar, on the Bench, and in private life, also made brief remarks in accordance with the spirit and the language of the resolutions and preceding addresses.

Chief-Justice BRIGHAM then addressed the Bar as follows: —

CHIEF-JUSTICE BRIGHAM'S ADDRESS.

The resolutions of the Bar of this county, and the eloquent addresses in support of them, afford so ample a tribute to the character of Chief-Justice Allen, that I cannot hope to add to their effect, by saying more than to express my hearty acquiescence in them. My personal acquaintance with him began with the first meeting of the justices of this court, a few months more than ten years ago. He was then in the ripe maturity of his professional and judicial experience, and widely known, and as widely esteemed, to be one of the strongest and most upright of the public men of the Commonwealth. In the counsels and arrangements which attended the organization of the court, he had no need to assert his chief justiceship, for that his associates had been prepared by his reputation to recognize; and they deemed it the great good fortune of the court, in its origin, and their great good fortune in attempting untried duties and responsibilities, that the court's first Chief Justice, through his acknowledged character, predisposed the Bar and the people of the Commonwealth to a favorable and encouraging reception of the new

court. In the distribution of the labor of the court, Chief-Justice Allen had not, at all times, the physical vigor required to conduct the terms assigned to him: but his valuable and strengthening influence upon the business of the court, as director, adviser, and example, continued undiminished to the end of his service, and I trust will abide with it, as an inheritance from him. His junior associates can never forget how cordially his wise, delicate, and kindly suggestions were bestowed upon them, or how assuring to their inexperience were his ready and decisive solutions of their difficulties. As I knew him, he appeared to have a reserved power, adequate to any exigency which might encounter him in official, political, or social life; a rare ability to await the ripe time for forming and expressing his convictions, an equal ability to form them by his own strength, and to express them without solicitude as to the assent or dissent of his listeners or readers: and a steadfastness in holding to these convictions, which was not affected by the fact that he was solitary in them, and that popular sympathy or opinion were not with him or adverse to him. With these moral and intellectual characteristics, — the most complete self-reliance, and the most unfaltering moral courage, — he exhibited no Quixotism, or readiness to rudely defy or assail public sentiment. He seemed to be content to allow small errors and fallacies to have their unmolested course to self-extinction: but for every great cause, threatened by corruption or false doctrine, he interposed at the fit moment, his strong, eloquent, and brave support. I can think of him as wrong in law or politics, but I could not

think of him as capable of taking an equivocal or evasive position. In this county of his nativity, his influence, during a long and honored life exercised in functions the product of which was transitory, or unlikely to be preserved to posterity except by tradition, deserves, from his brethren of the Bar, an appropriate recognition and lasting memorial. The resolutions now offered are a just testimonial of his life and character, are well entitled to a place in the history of the administration of justice in this county, and, as such, will be put among its permanent records.

In Memoriam.

LIBRARY OF CONGRESS
0 011 782 545 0